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HOUSE BILL 199

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR A LICENSURE AND
COMPENSATION FRAMEWORK FOR CERTAIN INSTRUCTIONAL SUPPORT
PROVIDERS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-17 NMSA 1978 (being Laws 2003,
Chapter 153, Section 48, as amended) is amended to read:

"22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

A. The department shall license instructional
support providers [~~including educational assistants, school
counselors, school social workers, school nurses, speech-
language pathologists, psychologists, physical therapists,
physical therapy assistants, occupational therapists,
occupational therapy assistants, recreational therapists,
interpreters for the deaf, diagnosticians and other service~~

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1 ~~providers~~]. The department [~~may~~] shall provide a
2 [~~professional~~] progressive licensing framework in which
3 licensees can advance in their careers through the
4 demonstration of increased competencies and the undertaking of
5 increased duties.

6 B. [~~The department shall provide by rule for the~~
7 ~~requirements for licensure of types of instructional support~~
8 ~~providers.~~] If an instructional support provider practices a
9 licensed profession, [~~he~~] the instructional support provider
10 shall provide evidence satisfactory to the department that [~~he~~]
11 the instructional support provider holds a current, unsuspended
12 license in the profession for which [~~he~~] the instructional
13 support provider is applying to provide instructional support
14 services. The instructional support provider shall notify the
15 school district and department immediately if [~~his~~] the
16 instructional support provider's professional license is
17 suspended, revoked or denied. Suspension, revocation or denial
18 of a professional license shall be just cause for discharge or
19 termination and suspension, revocation or denial of the
20 instructional support provider license.

21 C. If an instructional support provider practices a
22 licensed profession that requires a bachelor's or higher
23 degree, the instructional support provider shall be licensed as
24 provided in Section 2 of this 2007 act. If the instructional
25 support provider does not practice a licensed profession or

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1 practices a profession or occupation that does not require at
2 least a bachelor's degree, the instructional support provider
3 shall be licensed as provided by specific law or by rule of the
4 department. The department may designate licenses of
5 instructional support providers licensed by rule as numeric
6 levels or any other designation it determines as long as the
7 licensure denotes a progressive framework."

8 Section 2. A new section of the School Personnel Act is
9 enacted to read:

10 "[NEW MATERIAL] PROFESSIONAL INSTRUCTIONAL SUPPORT
11 PROVIDER LICENSING FRAMEWORK--REQUIREMENTS AND SALARY.--

12 A. This section applies to professional
13 instructional support providers whose professional duties
14 require a bachelor's or higher degree to practice in public
15 schools.

16 B. The department shall issue professional
17 instructional support provider licenses endorsed for the
18 applicable professions to applicants who meet the requirements
19 for each level of licensure. In determining the appropriate
20 licensure level for an applicant, the department shall adopt
21 rules to consider verified employment as a certified
22 professional in a clinical or parallel setting in lieu of
23 experience in a school setting.

24 C. A level one professional instructional support
25 provider license is a provisional license for the first three

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1 years of practice in a school setting that gives a beginning
2 instructional support provider the opportunity, through a
3 formal mentorship program, for additional preparation to be an
4 instructional support provider in the endorsed profession
5 listed on the license. As a condition of licensure, the
6 instructional support provider is required to undergo a formal
7 mentorship program and an annual intensive performance
8 evaluation by a school administrator or a level three
9 professional instructional support provider endorsed for the
10 same profession as the licensee for three full school years
11 before applying for a level two license. At the end of each
12 year and at the end of the license period, the level one
13 professional instructional support provider shall be evaluated
14 for competency. If the instructional support provider has not
15 demonstrated satisfactory progress and competence by the end of
16 the three-year period, the provider shall not be granted a
17 level two license. Except in exigent circumstances defined by
18 department rule, a level one professional instructional support
19 provider license shall not be extended beyond the initial
20 three-year period and shall not be renewed. The department
21 shall issue a level one professional instructional support
22 provider license to an applicant who is at least eighteen years
23 of age and who:

24 (1) if required to do so, holds a license or
25 certification in the professional area in which the provider

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1 seeks to practice in a school setting; and

2 (2) meets other qualifications for level one
3 licensure as determined by the department, including clearance
4 of the required background check.

5 D. A level two professional instructional support
6 provider license is granted to an instructional support
7 provider who is a fully qualified professional who annually
8 demonstrates essential competencies. The department shall
9 issue a level two professional instructional support provider
10 license to an applicant who successfully completes the three-
11 year level one professional license or is granted reciprocity
12 as provided by department rule and meets other qualifications
13 as required by the department. If a level two professional
14 instructional support provider does not demonstrate essential
15 competency in a given school year, the school district shall
16 provide the provider with additional professional development
17 and peer intervention during the following school year. To
18 maintain the nine-year level two professional instructional
19 support provider license, the licensee shall:

20 (1) demonstrate essential competency required
21 by the department as verified by the local superintendent
22 through annual evaluations;

23 (2) hold a valid license or certification in
24 the licensee's profession; and

25 (3) meet all continuing education requirements

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1 of the licensee's profession.

2 E. A level three professional instructional support
3 provider license is granted to an instructional support
4 provider who is a fully qualified professional who demonstrates
5 leadership competencies beyond those required for a level two
6 license. A level three license shall be granted to an
7 applicant who has been a level two professional instructional
8 support provider for at least three years or is granted
9 reciprocity as provided by department rule and meets other
10 qualifications as required by the department, including
11 successful demonstration of essential and leadership
12 competencies. If a level three professional instructional
13 support provider does not demonstrate essential and leadership
14 competencies in a given school year, the school district shall
15 provide the provider with additional professional development
16 and peer intervention during the following school year. To
17 maintain the nine-year level three professional instructional
18 support provider license, the licensee shall:

19 (1) demonstrate essential and leadership
20 competencies required by the department as verified by the
21 local superintendent through annual evaluations;

22 (2) hold a valid license or certification in
23 the licensee's profession;

24 (3) meet all continuing education requirements
25 of the licensee's profession; and

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1 (4) hold an advanced degree or certification
2 as required by department rule.

3 F. Beginning with the 2008-2009 school year, with
4 the adoption by the department of a highly objective
5 performance evaluation for professional instructional support
6 providers, the minimum salaries for professional instructional
7 support providers licensed pursuant to this section shall be as
8 follows:

9 (1) for level one professional instructional
10 support providers, for the school year following adoption of
11 the performance evaluation, thirty thousand dollars (\$30,000);

12 (2) for level two professional instructional
13 support providers, for the first school year following adoption
14 of the performance evaluation, forty thousand dollars
15 (\$40,000); and

16 (3) for level three professional instructional
17 support providers, for the first school year following adoption
18 of the performance evaluation and the adoption of the minimum
19 of fifty thousand dollars (\$50,000) salary for level three
20 teachers, fifty thousand dollars (\$50,000).

21 G. The department shall consult with professional
22 licensing boards and professional organizations in the
23 development of the three-level licensure system to include
24 essential and leadership competencies and the performance
25 evaluation instruments."

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